

AUG - 3 2005

For The Northern Mariana Islands  
By                       
(Deputy Clerk)

**TRIAL MINUTES OF THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS**

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CR-04-00038

August 3, 2005  
9:00 a.m.

**UNITED STATES OF AMERICA -v- ERIC JOHN TUDELA MAFNAS, et., al.**

PRESENT: Hon. A. Wallace Tashima, Senior Circuit Judge  
Sanae Shmull, Court Reporter  
Michelle C. Macaranas, Courtroom Deputy  
Timothy Moran, Assistant U. S. Attorney  
Jamie Bowers, Assistant U.S. Attorney  
Stephanie Flores, Attorney for Defendant Mafnas  
Victorino Torres, Attorney for Defendant Mafnas  
Perry Inos, Attorney for Defendant Patris  
Eric John Tudela Mafnas, Defendant  
Charley K. Patris, Defendant

**PROCEEDINGS: JURY TRIAL - Day Two**

Government by Timothy Moran and Jamie Bowers, AUSAs. Attorney Stephanie Flores and Victorino Torres was present on behalf and with defendant, Eric John Tudela Mafnas. Attorney Perry Inos was present on behalf and with defendant, Charley K. Patris. Also present was Joe Arther, Special Agent FBI.

Outside the presence of the jurors the Court proceeded with issues regarding possible conflict with Attorney Flores and her firms representation with another client. Defendant Mafnas accepted in open court for Attorney Flores' continued representation. Government moved the Court that the introduction of exhibits be taken up at this moment. Defense Attorneys stipulated as to foundation for exhibits 10 through 17, stipulated to exhibit 9, stipulated to foundation as to exhibit 21, stipulated to foundation as to exhibit 28. Government move to introduce exhibit 21a through 21d. After all arguments, Court admitted exhibit 21 and reserved as to exhibit 21a through 21d. Court also admitted Ex. 1. Court allowed government to use exhibit 21c.

At 9:20 a.m. twelve regular jurors and two alternates from a combination of JMS Panel 101050801 and 101050501 were brought into court and empaneled:

(1) AGULTO, Renita; (2) DUENAS, Christiana; (3) TAIVERO, Veronica; (4) VILLAGRACIA, Lillian; (5) SAKISAT, Molly; (6) RABAUIMAN, Cecelia; (7) ARRIOLA, Dolores; (8) CRUZ, Lillian; (9) OGO, Mary (10) AIZON, Vicente; (11) OLAITIMAN, Mariana; (12) SAKISAT, Teresa; *Alternate* (1) AGUON, Maria; *Alternate* (2) SABLAN, Marilyn.

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At 9:21 a.m. the jurors were sworn. Court gave an introduction to the case and admonished the jurors. Government began opening statement at 9:26 a.m. and finished at 9:55. Defense Attorney Flores began opening statement at 9:56 a.m. and finished at 10:06 a.m. Defense Attorney Inos began opening statement at 10:07 a.m. and finished at 10:15 a.m.

At 10:15 a.m. Court excused the jurors for a break. Court took up issues regarding government's first witness.

Court reconvened at 10:50 a.m. In the absence of the jurors, Court took up issues regarding exhibits. All 14 jurors were brought in to the courtroom.

GOVERNMENT CALLED WITNESS: **DON WOLFE (former Assistant Attorney General)**. Witness was sworn. DX. Referenced to exhibit 1. Government moved to admit ex. 4; no objection, Court so ordered. Ref. to Ex. 3. Government moved to admit ex. 3; no objection, Court so ordered. Ref. to Ex. 4. Objection. Overruled. Ex. 4. *Defense attorney Torres began with CX*. Ref. to Ex. 3. Objection as to hear say referencing to Ex. 3; Sustained. Ex. 3. Objection as to David Tanaka Diaz and letter to release evidence. Overruled. Ref. to Ex. regarding letter re Diaz. Objection regarding relevance. Overruled. Defense moved to admit exhibit 1a. Objection. Overruled. Court will take up the issue of admission at a later time. Ex. 4. Referenced to Diaz case. Objection as to relevance. Overruled. Objection as to relevance regarding Diaz case. Sustained. *Defense Attorney Inos began CX*. Objection regarding letter in Chizuwa case. Sustained. Ref. to Chizuwa case. *AUSA, Tim Moran began RDX*. Attorney Torres began RCX. Witness Donald Wolfe was excused.

At 12:00 p.m. jurors were admonished and excused for lunch and ordered to return at 1:30pm to resume trial. Jurors left the courtroom. Court took up the matter regarding exhibit 1A. Objection sustained. Court ordered that exhibit 1A not admitted.

Court reconvened at 1:30pm. All jurors were present.

GOVERNMENT CALLED WITNESS: **JOHANNES TAIMANAO (DPS)** Witness was sworn. DX. Power outage at 1:46 p.m. Court resumed at 1:47 p.m. DX. Ref. Ex. 2. Government moved to admit exhibit 2; no objection, Court so ordered. Ex. 2. Objection as to foundation of witness. Overruled. Ref. to Ex. 3. Ex. 2. Ref. to Ex. 5, 6, 7 & 8. Objection as to foundation of witness. Overruled. Ref. to Darrell Quitugua case. *Attorney Torres began CX*. Ref. to his testimony before Grand Jury on 12/29/2003. Defense moved to admit Grand Jury testimony transcript. DENIED. Ref. to FBI Investigation Report of Agent Barry. Ref. to Darrell Quitugua case. *Defense Attorney Inos began CX*. Ex. 2. Ex. 5, 6, 7, & 8. Objection to speculation. Sustained. *AUSA Bowers began RDX*. No further RCX. Witness was excused

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Jurors were excused at 2:56 p.m. for a break. Attorney Torres clarified with the Court whether it was too late for him to publish the transcript of grand jury testimony of Taimanao. Court responded that it was too late but he could publish it during closing arguments.

All jurors were present. Court resumed at 3:22 p.m.

GOVERNMENT CALLED WITNESS: **CARL CABRERA**. DX. Ex. 9. Government moved to admit Ex. 9; pursuant to stipulation, Court so ordered. Ex. 9. Ref. as to June/July 2002. Ref. as to being an informant for DEA and defendants. Objection as to leading witness. Overruled..

At 4:30 p.m. jurors were admonished and excused for the evening and ordered to return at 9:00 a.m. to resume the trial. Jurors left the Courtroom. Witness Carl Cabrera was excused for the day and ordered to return tomorrow, August 4, 2005 at 9am. Counsels were ordered to return tomorrow at 8:45 a.m. Attorney Flores moved the Court to amend the defendants' pretrial release regarding electronic monitoring. Counsels will meet with Margarita Wonenberg, U.S. Probation Officer regarding the issue and will take the matter up tomorrow morning at 8:45 p.m.

Adjourned 4:35 p.m.

A handwritten signature in black ink, appearing to read 'MCM', is written above the printed name of the Court Deputy.

Michelle C. Macaranas, Court Deputy